

Senate File 2355 - Reprinted

SENATE FILE 2355
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO SSB 3220)

(As Amended and Passed by the Senate April 21, 2014)

A BILL FOR

1 An Act relating to matters under the purview of the department
2 of transportation, establishing a fee, and including
3 effective date provisions.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I
HIGHWAYS

Section 1. Section 306.3, unnumbered paragraph 1, Code 2014, is amended to read as follows:

As used in this chapter or in any chapter of the Code relating to highways, except as otherwise specified:

Sec. 2. Section 306C.1, subsection 2, Code 2014, is amended to read as follows:

2. *“Interstate highway”* includes *“interstate road”* and *“interstate system”* and means any highway of the primary national highway system at any time officially designated as a part of the national system of interstate and defense highways by the department and approved by the appropriate authority of the federal government.

Sec. 3. Section 306C.1, Code 2014, is amended by adding the following new subsection:

NEW SUBSECTION. 5. *“National highway system”* means the network designated by the federal highway administration in consultation with the state department of transportation, which consists of interconnected urban and rural principal arterials and highways that serve major population centers, ports, airports, public transportation facilities, other intermodal transportation facilities, and other major travel destinations; meet national defense requirements; and serve interstate and interregional travel.

Sec. 4. Section 306C.2, unnumbered paragraph 1, Code 2014, is amended to read as follows:

A person shall not establish, operate, or maintain a junkyard, any portion of which is within one thousand feet of the nearest edge of the right-of-way of any interstate highway on the national highway system, except:

Sec. 5. Section 306C.3, Code 2014, is amended to read as follows:

306C.3 Junkyards lawfully in existence.

1. Any junkyard located outside a zoned or unzoned

1 industrial area lawfully in existence on July 1, 1972,
2 which is within one thousand feet of the nearest edge of
3 the right-of-way and visible from the main-traveled portion
4 of any highway on the interstate system shall be screened,
5 if feasible, by the department, or by the owner under rules
6 and direction of the department, at locations on the highway
7 right-of-way or in areas acquired for such purposes outside
8 the right-of-way in order to obscure the junkyard from the
9 main-traveled way of such highways.

10 2. Any junkyard located outside a zoned or unzoned
11 industrial area lawfully in existence on July 1, 2014, which
12 is within one thousand feet of the nearest edge of the
13 right-of-way and visible from the main-traveled portion of
14 any noninterstate highway which is on the national highway
15 system shall be screened, if feasible, by the department, or
16 by the owner under rules and direction of the department, at
17 locations on the highway right-of-way or in areas acquired for
18 such purposes outside the right-of-way in order to obscure the
19 junkyard from the main-traveled way of such highways.

20 Sec. 6. Section 306C.10, subsections 1, 2, 10, 13, and 20,
21 Code 2014, are amended to read as follows:

22 1. "*Adjacent area*" means an area which is contiguous to
23 and within six hundred sixty feet of the nearest edge of the
24 right-of-way of any ~~interstate, freeway primary, or primary~~
25 highway.

26 2. "*Advertising device*" includes any outdoor sign, display,
27 device, figure, painting, drawing, message, placard, poster,
28 billboard, or any other device designed, intended, or used to
29 advertise or give information in the nature of advertising, and
30 having the capacity of being visible from the traveled portion
31 of any ~~interstate or primary~~ highway.

32 10. "*Interstate highway*" includes "*interstate road*" and
33 "*interstate system*" and means any highway of the ~~primary~~
34 national highway system at any time officially designated as a
35 part of the national system of interstate and defense highways

1 by the department and approved by the appropriate authority of
2 the federal government.

3 13. ~~"Primary highways" includes the entire primary system as~~
4 ~~officially designated, or as may hereafter be so designated,~~
5 ~~by the department~~ means all highways on the national highway
6 system and all highways on the federal-aid primary system as it
7 existed on June 1, 1991.

8 20. *"Unzoned commercial or industrial area"* means those areas
9 not zoned by state or local law, regulation, or ordinance,
10 which are occupied by one or more commercial or industrial
11 activities, and the land along the ~~interstate highways and~~
12 primary highways for a distance of seven hundred fifty feet
13 immediately adjacent to the activities. All measurements
14 shall be from the outer edge of the regularly used buildings,
15 parking lots, storage, or processing areas of the activities
16 and shall be parallel to the edge of pavement of the highway.
17 Measurements shall not be from the property line of the
18 activities unless that property line coincides with the limits
19 of the activities. Unzoned commercial or industrial areas
20 shall not include land on the opposite side of the highway from
21 the commercial or industrial activities.

22 Sec. 7. Section 306C.10, Code 2014, is amended by adding the
23 following new subsection:

24 NEW SUBSECTION. 12A. *"National highway system"* means the
25 network designated by the federal highway administration in
26 consultation with the state department of transportation, which
27 consists of interconnected urban and rural principal arterials
28 and highways that serve major population centers, ports,
29 airports, public transportation facilities, other intermodal
30 transportation facilities, and other major travel destinations;
31 meet national defense requirements; and serve interstate and
32 interregional travel.

33 Sec. 8. Section 306C.12, Code 2014, is amended to read as
34 follows:

35 **306C.12 None visible from highway.**

1 An advertising device shall not be constructed or
2 reconstructed beyond the adjacent area in unincorporated areas
3 of the state if it is visible from the main-traveled way of
4 any ~~interstate or~~ primary highway except for advertising
5 devices permitted in section 306C.11, subsections 1 and 2.
6 Any advertising device permitted beyond an adjacent area in
7 unincorporated areas of the state shall be subject to the
8 applicable permit provisions of section 306C.18.

9 Sec. 9. Section 306C.13, subsections 2, 3, 4, and 5, Code
10 2014, are amended to read as follows:

11 2. Advertising devices located within the adjacent
12 area of nonfreeway primary highways shall not be erected or
13 maintained closer to another advertising device facing in the
14 same direction than one hundred feet if inside the corporate
15 limits of a municipality. No advertising device, other than
16 as excepted or permitted by ~~subsections~~ subsection 4, 5, or 6
17 ~~of this section~~, shall be located within the triangular area
18 formed by the line connecting two points each fifty feet back
19 from the point where the street right-of-way lines of the
20 main-traveled way and the intersecting street meet, or would
21 meet, if extended.

22 3. Advertising devices located within the adjacent area of
23 nonfreeway primary highways shall not be erected or maintained
24 closer to another advertising device facing in the same
25 direction than three hundred feet if outside the corporate
26 limits of a municipality. No advertising device, other than
27 those excepted or permitted by ~~subsections~~ subsection 4, 5, or
28 6 ~~of this section~~, shall be located within the triangular area
29 formed by a line connecting two points each one hundred feet
30 back from the point where the street right-of-way lines of the
31 main-traveled way and the intersecting street meet, or would
32 meet, if extended.

33 4. The distance spacing measurements fixed by subsections 2
34 and 3 ~~of this section~~ shall not apply to advertising devices
35 which are separated by a building in such a manner that only

1 one advertising device located within the minimum spacing
2 distance is visible from a highway at any one time.

3 5. Within a triangular area, as defined by subsections 2
4 and 3 ~~of this section~~, occupied by a building or structure, no
5 advertising device shall be erected or maintained closer to the
6 intersection than the building or structure itself, except that
7 a wall advertising device may be attached to said building or
8 structure not to protrude more than twelve inches.

9 Sec. 10. Section 306C.13, subsection 8, paragraph g, Code
10 2014, is amended to read as follows:

11 g. The standards contained in this section pertaining to
12 size, lighting, and spacing shall not apply to advertising
13 devices erected or maintained within six hundred sixty feet
14 of the right-of-way of those portions of the interstate
15 highway system exempted from control under chapter 306B by
16 authority of section 306B.2, subsection 4, nor to advertising
17 devices erected and maintained within adjacent areas along
18 noninterstate primary highways within zoned and unzoned
19 commercial and industrial areas, unless said advertising
20 devices were erected subsequent to July 1, 1972.

21 DIVISION II

22 MISCELLANEOUS PROVISIONS

23 Sec. 11. Section 321.50, subsection 5, Code 2014, is amended
24 by adding the following new paragraph:

25 NEW PARAGRAPH. d. For purposes of this subsection, a
26 security interest noted on an Iowa certificate of title and
27 appearing in the statewide computer system and the county's
28 records shall be presumed to be discharged upon presentation of
29 a valid certificate of title subsequently issued by a foreign
30 jurisdiction on which the security interest is no longer noted.

31 Sec. 12. Section 321.176A, subsection 1, Code 2014, is
32 amended to read as follows:

33 1. A farmer or a person working for a farmer while operating
34 a ~~commercial motor vehicle controlled by the farmer within one~~
35 ~~hundred fifty air miles of the farmer's farm to transport the~~

1 ~~farmer's own agricultural products, farm machinery, or farm~~
2 ~~supplies to or from the farm~~ covered farm vehicle as defined
3 in the federal Moving Ahead for Progress in the 21st Century
4 Act, Pub. L. No. 112-141, §32934. The exemption provided in
5 this subsection shall apply to farmers who assist each other
6 through an exchange of services and shall include operation of
7 a commercial motor vehicle between the farms of the farmers who
8 are exchanging services.

9 Sec. 13. Section 321.187, Code 2014, is amended to read as
10 follows:

11 **321.187 Examiners.**

12 1. The department shall examine applicants for driver's
13 licenses. Examiners of the department shall wear an
14 identifying badge and uniform provided by the department.

15 2. The department may by rule designate community colleges
16 established under chapter 260C and other third-party testers to
17 administer the driving skills test required for a commercial
18 driver's license, provided that all of the following occur:

19 a. The driving skills test is the same as that which would
20 otherwise be administered by the state.

21 b. The ~~examiner~~ third-party tester contractually agrees to
22 comply with the requirements of 49 C.F.R. §383.75 as adopted by
23 rule by the department.

24 c. Any third-party skills test examiner used by the
25 third-party tester shall meet the requirements of 49 C.F.R.
26 §383.75 and 49 C.F.R. §384.228, as adopted by rule by the
27 department. The department shall adopt rules requiring that a
28 third-party tester, other than a community college established
29 under chapter 260C, shall be an Iowa-based motor carrier, or
30 its subsidiary, that has its principal office within this state
31 and operates a permanent commercial driver training facility
32 in this state. The rules may also provide that a third-party
33 tester conduct a number of skills test examinations above the
34 number required under 49 C.F.R. §383.75 in order to remain
35 qualified as a third-party tester under this section.

1 3. As used in this section, "third-party tester" and
2 "third-party skills test examiner" mean as defined in 49 C.F.R.
3 §383.5.

4 Sec. 14. Section 321.194, subsection 2, Code 2014, is
5 amended to read as follows:

6 2. *Suspension and revocation.* A driver's license issued
7 under this section is subject to suspension or revocation
8 for the same reasons and in the same manner as suspension or
9 revocation of any other driver's license. The department may
10 also suspend a driver's license issued under this section upon
11 receiving satisfactory evidence that the licensee has violated
12 the restrictions of the license or has been involved in one
13 or more accidents chargeable to the licensee. The department
14 may suspend a driver's license issued under this section
15 upon receiving a record of the licensee's conviction for one
16 violation. The department shall revoke the license upon
17 receiving a record of conviction for two or more violations
18 of a law of this state or a city ordinance regulating the
19 operation of motor vehicles on highways other than parking
20 violations as defined in section 321.210. After a person
21 licensed under this section receives two or more convictions
22 which require revocation of the person's license under this
23 section, the department shall not grant an application for a
24 new driver's license until the expiration of ~~one year~~ thirty
25 days.

26 Sec. 15. Section 321.257, subsection 2, paragraphs g and h,
27 Code 2014, are amended to read as follows:

28 g. A "don't walk" or "steady upraised hand" light is a
29 pedestrian signal which means that pedestrian traffic facing
30 the illuminated pedestrian signal shall not start to cross
31 the roadway in the direction of the pedestrian signal, and
32 pedestrian traffic in the crossing shall proceed to a safety
33 zone.

34 h. A "walk" or "walking person" light is a pedestrian signal
35 which means that pedestrian traffic facing the illuminated

1 pedestrian signal may proceed to cross the roadway in the
2 direction of the pedestrian signal and shall be given the
3 right-of-way by drivers of all vehicles.

4 Sec. 16. Section 321.257, subsection 2, Code 2014, is
5 amended by adding the following new paragraphs:

6 NEW PARAGRAPH. *Og.* A "*flashing yellow arrow*" light shown
7 alone or with another official traffic-control signal means
8 vehicular traffic may cautiously enter the intersection
9 and proceed only in the direction indicated by the arrow.
10 Vehicular traffic shall yield the right-of-way to other
11 vehicles and pedestrians lawfully within the intersection and
12 any vehicle on the opposing approach which is approaching so
13 closely as to constitute an immediate hazard during the time
14 the driver is moving within the intersection.

15 NEW PARAGRAPH. *Oh.* A "*flashing upraised hand*" or "*upraised*
16 *hand with countdown*" light is a pedestrian signal which means
17 that pedestrian traffic facing the illuminated pedestrian
18 signal shall not start to cross the roadway in the direction of
19 the pedestrian signal, and pedestrian traffic in the crossing
20 shall proceed to a safety zone. The "*upraised hand with*
21 *countdown*" light is a pedestrian signal that also provides the
22 time remaining for the pedestrian to complete the crossing.

23 Sec. 17. Section 321.258, Code 2014, is amended to read as
24 follows:

25 **321.258 Arrangement of lights on official traffic-control**
26 **signals.**

27 1. Colored lights placed on a vertical official
28 traffic-control signal face shall be arranged from the top to
29 the bottom in the following order when used:

30 a. Circular red, ~~circular.~~

31 b. Steady and/or flashing left-turn red arrow.

32 c. Steady and/or flashing right-turn red arrow.

33 d. Circular yellow, ~~circular.~~

34 e. Circular green, ~~straight through yellow arrow, straight~~
35 ~~through.~~

- 1 f. Straight-through green arrow, ~~left turn.~~
 - 2 g. Steady left-turn yellow arrow, ~~left turn.~~
 - 3 h. Flashing left-turn yellow arrow.
 - 4 i. Left-turn green arrow, ~~right turn.~~
 - 5 j. Steady right-turn yellow arrow, ~~and right turn.~~
 - 6 k. Flashing right-turn yellow arrow.
 - 7 l. Right-turn green arrow.
- 8 2. Colored lights placed on a horizontal official
9 traffic-control signal face shall be arranged from the left to
10 the right in the following order when used:
- 11 a. Circular red, ~~circular.~~
 - 12 b. Steady and/or flashing left-turn red arrow.
 - 13 c. Steady and/or flashing right-turn red arrow.
 - 14 d. Circular yellow, ~~left turn.~~
 - 15 e. Steady left-turn yellow arrow, ~~left turn.~~
 - 16 f. Flashing left-turn yellow arrow.
 - 17 g. Left-turn green arrow, ~~circular.~~
 - 18 h. Circular green, ~~straight through yellow.~~
 - 19 i. Straight-through green arrow, ~~straight through green.~~
 - 20 j. Steady right-turn yellow arrow, ~~right turn.~~
 - 21 k. Flashing right-turn yellow arrow, ~~and right turn.~~
 - 22 l. Right-turn green arrow.

23 Sec. 18. Section 321A.17, subsection 4, Code 2014, is
24 amended to read as follows:

25 4. An individual applying for a driver's license following a
26 period of suspension or revocation pursuant to a dispositional
27 order issued under section 232.52, subsection 2, paragraph
28 "a", or under section 321.180B, section 321.210, subsection
29 1, paragraph "a", subparagraph (4), or section 321.210A,
30 321.213A, 321.213B, 321.216B, or 321.513, following a period
31 of suspension or revocation under section 321.178 or 321.194,
32 or following a period of revocation pursuant to a court order
33 issued under section 901.5, subsection 10, or under section
34 321J.2A, is not required to maintain proof of financial
35 responsibility under this section.

1 Sec. 19. NEW SECTION. **328.13 Commercial air service**
2 **retention and expansion committee.**

3 A commercial air service retention and expansion committee
4 is established within the aviation office of the department.
5 The membership of the committee shall consist of the director
6 or the director's designee; the managers of each airport in
7 Iowa with commercial air service; two members of the senate,
8 one appointed by the majority leader of the senate and one
9 appointed by the minority leader of the senate; and two members
10 of the house of representatives, one appointed by the speaker
11 of the house and one appointed by the minority leader of the
12 house. Legislative members are eligible for per diem and
13 expenses as provided in section 2.10, for each day of service.
14 The committee shall, on or before December 31, 2014, develop a
15 plan for the retention and expansion of passenger air service
16 in Iowa. The committee shall meet as the committee deems
17 necessary to assess progress in implementing the plan and, if
18 necessary, to update the plan.

19 Sec. 20. Section 328.24, unnumbered paragraph 1, Code 2014,
20 is amended to read as follows:

21 If, during the year for which an aircraft, except
22 nonresident aircraft used for the application of herbicides
23 and pesticides, was registered and the required fee paid, the
24 aircraft is destroyed by fire or accident or junked, and its
25 identity as an aircraft entirely eliminated, or ~~it~~ the aircraft
26 is removed and continuously used beyond the boundaries of the
27 state, then the owner in whose name it was registered at the
28 time of destruction, dismantling, or removal from the state
29 shall return the certificate of registration to the department
30 within ~~ten~~ thirty days and make affidavit of the destruction,
31 dismantling, or removal and make claim for the refund. The
32 refund shall be paid from the general fund of the state.

33 Sec. 21. 2012 Iowa Acts, chapter 1129, section 4, is amended
34 to read as follows:

35 **SEC. 4. ROAD USE TAX FUND EFFICIENCY MEASURES**

1 — ~~QUARTERLY~~ ANNUAL REPORTS. The department of transportation
2 shall submit ~~quarterly reports~~ a report annually on or before
3 December 31 in an electronic format to the co-chairpersons
4 of the joint appropriations subcommittee on transportation,
5 infrastructure, and capitals, the chairpersons of the senate
6 and house standing committees on transportation, the department
7 of management, and the legislative services agency regarding
8 the implementation of efficiency measures identified in the
9 "Road Use Tax Fund Efficiency Report", January 2012. The
10 reports shall provide details of activities undertaken in
11 the previous ~~quarter~~ year relating to one-time and long-term
12 program efficiencies and partnership efficiencies. Issues to
13 be covered in the reports shall include but are not limited
14 to savings realized from the implementation of particular
15 efficiency measures; updates concerning measures that have
16 not been implemented; efforts involving cities, counties,
17 other jurisdictions, or stakeholder interest groups; any
18 new efficiency measures identified or undertaken; and
19 identification of any legislative action that may be required
20 to achieve efficiencies. ~~The first report shall be submitted~~
21 ~~by October 1, 2012.~~

22 Sec. 22. INTERSECTION REPORT. By October 1, 2014, the
23 county engineer of each county shall provide a report to
24 the department of transportation identifying all locations
25 in the county where two different roads or highways having
26 speed limits of 55 miles per hour or greater intersect but
27 are not controlled by an official traffic-control signal
28 or by official traffic-control devices that direct traffic
29 approaching from every direction to stop or yield before
30 entering the intersection. On or before December 31, 2014, the
31 department shall file a report with the legislative services
32 agency detailing the number and locations of the intersections
33 identified in the county engineers' reports.

34 Sec. 23. FUTURE REPEAL. The section of this division of
35 this Act amending section 321.187 is repealed five years after

1 the effective date of this division of this Act.

2 Sec. 24. PRIOR REVOCATIONS.

3 1. The department of transportation shall end the period of
4 revocation for any person whose driver's license was revoked
5 under section 321.194, subsection 2, Code 2014, for having two
6 or more convictions if the revocation became effective on or
7 after July 1, 2013, and, as of the effective date of this Act,
8 the revocation has been effective for at least 30 days.

9 2. The department shall apply the provisions of section
10 321A.17, subsection 4, as amended by this Act, to end any
11 ongoing duty to maintain proof of financial responsibility
12 imposed under section 321A.17, Code 2014, arising from a
13 revocation under section 321.178, Code 2014, or section
14 321.194, Code 2014, that occurred prior to the effective date
15 of this Act.

16 Sec. 25. EFFECTIVE UPON ENACTMENT. The following provision
17 of this division of this Act, being deemed of immediate
18 importance, takes effect upon enactment:

19 1. The section of this division of this Act amending section
20 321.187.

21 DIVISION III

22 MOTOR VEHICLE DEALERS

23 Sec. 26. Section 321.48, Code 2014, is amended by adding the
24 following new subsection:

25 NEW SUBSECTION. 2A. Notwithstanding subsections 1 and 2,
26 requirements in those subsections for obtaining title to a
27 vehicle or acknowledging assignment and warranty of title do
28 not apply to a dealer who sells a motor vehicle to a purchaser
29 in a consignment transaction authorized under section 322.7B.

30 Sec. 27. Section 321.57, subsection 1, Code 2014, is amended
31 to read as follows:

32 1. A dealer owning any vehicle of a type otherwise
33 required to be registered under this chapter may operate or
34 move the vehicle upon the highways solely for purposes of
35 transporting, testing, demonstrating, or selling the vehicle

1 without registering the vehicle, upon condition that the
2 vehicle display in the manner prescribed in sections 321.37
3 and 321.38 a special plate issued to the owner as provided in
4 sections 321.58 through 321.62. A dealer may operate or move
5 upon the highways a vehicle owned by the dealer for either
6 private or business purposes, including hauling a load or
7 towing a trailer, without registering it if the vehicle is in
8 the dealer's inventory and is continuously offered for sale at
9 retail, and there is displayed on it a special plate issued to
10 the dealer as provided in sections 321.58 through 321.62. A
11 dealer may operate or move upon the highways an unregistered
12 vehicle owned by a lessor licensed pursuant to chapter 321F
13 solely for the purpose of delivering the vehicle to the owner
14 or transporting the vehicle to or from an auction if there is
15 displayed on the vehicle a special plate issued to the dealer
16 as provided in sections 321.58 through 321.62.

17 Sec. 28. Section 321.60, Code 2014, is amended to read as
18 follows:

19 **321.60 Issuance of special plates.**

20 The department shall ~~also~~ issue special plates as applied
21 for, which shall display the general distinguishing number
22 assigned to the applicant. Each plate so issued shall
23 also contain a number or symbol identifying the plate and
24 distinguishing it from every other plate bearing the same
25 general distinguishing number. The fee for each special plate
26 is forty dollars for a two-year period or part thereof. The
27 fee for a special plate used on a vehicle that is hauling a
28 load or towing a trailer is seven hundred fifty dollars for a
29 two-year period or part thereof.

30 Sec. 29. Section 321.69A, subsection 1, paragraph a,
31 subparagraph (2), Code 2014, is amended to read as follows:

32 (2) The actual cost of any labor or parts charged to or
33 performed by the dealer for any such repairs, adjustments, or
34 parts does not exceed four percent of the ~~dealer's adjusted~~
35 ~~cost~~ manufacturer's suggested retail price.

1 Sec. 30. Section 321.69A, subsections 2 and 3, Code 2014,
2 are amended to read as follows:

3 2. A person licensed as a new motor vehicle dealer pursuant
4 to chapter 322 shall disclose in writing, at or before the
5 time of sale or lease, to the buyer or lessee of a new motor
6 vehicle that the vehicle has been subject to any repairs of
7 damage to or adjustments on or replacements of parts with new
8 parts if the actual cost of any labor or parts charged to or
9 performed by the dealer for any such repairs, adjustments,
10 or parts exceeds four percent of the ~~dealer's adjusted cost~~
11 manufacturer's suggested retail price. The written disclosure
12 shall include the signature of the buyer or lessee and be in
13 a form and in a format approved by the attorney general by
14 rule. A dealer shall retain a copy of each written disclosure
15 issued pursuant to this section for five years from the date
16 of issuance.

17 3. As used in this section, ~~"dealer's adjusted cost"~~
18 "manufacturer's suggested retail price" means the amount ~~paid by~~
19 ~~the dealer to the manufacturer or other source for the vehicle,~~
20 ~~including any freight charges, but excluding any sum paid by~~
21 ~~the manufacturer to the dealer as a holdback or other monetary~~
22 ~~incentive relating to the vehicle~~ required to be disclosed by a
23 dealer pursuant to 15 U.S.C. §1232(f)(4).

24 Sec. 31. Section 321.105A, subsection 2, paragraph c,
25 subparagraph (14), Code 2014, is amended to read as follows:

26 (14) Vehicles purchased by a licensed motor vehicle dealer
27 for resale or primarily for use by the dealer's customers while
28 the customers' vehicles are being serviced or repaired by the
29 dealer.

30 Sec. 32. NEW SECTION. 322.7B Consignment sales of motor
31 trucks.

32 A licensed motor vehicle dealer may sell a used motor truck
33 on a consignment basis if all of the following conditions
34 apply:

35 1. The dealer is licensed to sell used motor vehicles.

1 2. The motor truck offered for sale has a gross vehicle
2 weight rating of twenty-six thousand one or more pounds.

3 3. The dealer prominently displays the words "consignment
4 vehicle" on the motor truck and indicates clearly in the sales
5 documentation that the motor truck is a consignment vehicle.
6 The dealer shall put customers on notice that the dealer does
7 not have title to the vehicle and does not warranty the title.

8 4. The purchaser certifies to the dealer that the person is
9 either a corporation, limited liability company, or partnership
10 or a person who files a schedule C or schedule F form for
11 federal income tax purposes, and that the motor truck is being
12 purchased for business purposes, and not for personal use.

13 5. The dealer assumes no liability for damages resulting
14 from a customer's test drive of the motor truck, and the
15 consignor maintains financial liability coverage as required
16 under section 321.20B or 325A.6, as appropriate, for the motor
17 truck throughout the term of the consignment.

18 Sec. 33. Section 322.9, subsection 2, paragraphs a, b, and
19 c, Code 2014, are amended to read as follows:

20 a. Failing upon the sale or transfer of a vehicle, except
21 upon the sale of a vehicle under section 322.7B, to deliver to
22 the purchaser or transferee of the vehicle sold or transferred,
23 a manufacturer's or importer's certificate, or a certificate of
24 title duly assigned, as provided in chapter 321.

25 b. Failing upon the purchasing or otherwise acquiring of a
26 vehicle, except a vehicle acquired on consignment under section
27 322.7B, to obtain a manufacturer's or importer's certificate,
28 or a certificate of title duly assigned as provided in chapter
29 321.

30 c. Failing upon the purchasing or otherwise acquiring of a
31 vehicle, except a vehicle acquired on consignment under section
32 322.7B, to obtain a new certificate of title to such vehicle
33 when and where required in chapter 321.